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December 17, 1997

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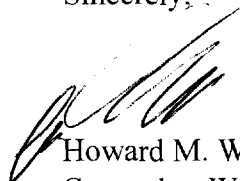
Re: Advanced Television Systems
MM Docket No. 87-268

Dear Madam:

Enclosed for filing are an original and nine copies of comments responsive to the Commission's December 2, 1997, Public Notice in the above-referenced rulemaking proceeding.

If there are any questions, please contact the undersigned.

Sincerely,



Howard M. Weiss
Counsel to Warwick
Communications, Inc.

HMW:ljs

Enc.

cc: All Parties on Certificate of Service (w/enc.)

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ORIGINAL

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Advanced Television Systems) MM Docket No. 87-268
And Their Impact Upon the)
Existing Television Broadcast)
Service)

**COMMENTS ON ASSOCIATION
FOR MAXIMUM SERVICE BROAD-
CASTERS, INC.'S EX PARTE
SUBMISSION**

Warwick Communications, Inc., licensee of Television Station KFXK-TV, Channel 51, Longview, Texas ("Warwick"), hereby responds to the Ex Parte Submission submitted by the Association For Maximum Service Broadcasters, Inc. ("MSTV") on November 20, 1997 (the "Ex Parte Filing"), pursuant to the Commission's invitation on December 2, 1997 (the "Public Notice"). Warwick proposes that DTV Channel 31 be assigned to KFXK-TV. In support hereof, the following is submitted.

1. As outlined in the attached Engineering Statement prepared for Warwick by Joseph Davis, its consultant, the Ex Parte Filing ignores Warwick's pending petition for reconsideration seeking the allocation of DTV Channel 26 in lieu of Channel 52. Instead, MSTV's proposed revised Table (the "Improvements") assigns DTV Channel 26 to KLTV, Tyler, Texas, and leaves Channel 52 as KFXK's DTV allocation.

2. In light of MSTV's proposal, Warwick has held discussions with MSTV. The proposal in the attached Engineering Statement -- Channel 31 -- has been checked with MSTV, as have other alternative DTV channel assignments. MSTV has authorized us to state that the proposal is consistent with the standards used to develop MSTV's Improvements and would not cause cognizable interference to other NTSC or DTV stations. We thank MSTV for its cooperation in reaching this solution.

3. As Mr. Davis' analysis illustrates, like Channel 26, but unlike Channel 52, Channel 31 is within the Commission's contemplated "core spectrum" and would not present the operational and interference concerns that would arise from the assignment of adjacent Channel

52. Further, Channel 31 would replicate KFXK's NTSC facilities 100% and cause only extremely negligible additional interference -- less than 0.1 percent of the total area and population.

4. Mr. Davis also offers Channel 47 as a fall-back alternative to Channel 31. Although MSTV has not endorsed this alternative due to co-channel spacing considerations, Warwick submits that it would be preferable to adjacent Channel 52 for the reasons stated in Warwick's petition for reconsideration and above. Again, it would cause no additional interference.

5. In sum, Warwick supplements its pending petition for reconsideration in light of MSTV's Ex Parte Filing to propose Channel 31 as its DTV allocation. Warwick urges the Commission, in the absence of interference or other adverse factors, to adopt this proposal, which will assist a small-market stand-alone UHF station to compete in the digital world.

Respectfully submitted,
WARWICK COMMUNICATIONS, INC.

By: 

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Its Counsel

Dated: December 17, 1997

ENGINEERING STATEMENT
prepared for
Warwick Communications, Inc.
KFXK (TV) Longview, Texas

This engineering statement has been prepared on behalf of *Warwick Communications, Inc.* ("Warwick"), in support of comments on filings addressing digital television ("DTV") allotments (as discussed in the Commission's Public Notice of December 2, 1997) in regard to Warwick's pending *Petition for Reconsideration* of the Federal Communications Commission's Sixth Report and Order ("6th R&O") in MM Docket 87-268.¹ Warwick is the licensee of television station KFXK, Longview, Texas. Warwick's petition requests an alternate DTV channel allotment (channel 26) for KFXK within the core spectrum. The November 20, 1997 Association for Maximum Service Broadcasters, Inc. ("MSTV") *ex parte* filing (referenced in the December 2, 1997 Public Notice) proposes various channel assignment changes to the Commission's DTV allotment table. The MSTV filing, through a proposed changed channel assignment for another station, would make the use of DTV channel 26 (as requested by Warwick) inappropriate at Longview. Should the MSTV changes be adopted by the Commission, Warwick herein requests an alternate DTV channel that does not conflict with the MSTV proposal and is within the core spectrum.

Discussion

In Warwick's pending *Petition*, DTV channel 26 is requested for use at Longview in lieu of DTV channel 52 as assigned by the Commission. Channel 26 is within the core spectrum (i.e.: either channels 2 to 46 or channels 7 to 51), and would not present the operational difficulties that would result from the use of DTV channel 52, first-upper adjacent channel to the KFXK NTSC channel 51 facility.

A review of the MSTV proposal revealed that the MSTV plan assigns DTV channel 26 in lieu of channel 38 to KLTU (NTSC channel 7, Tyler, Texas). KLTU is 40.1 km from KFXK. At this distance, the use of DTV channel 26 at Tyler would conflict with Warwick's proposed use of DTV channel 26 at Longview.

¹See FCC 97-115 *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, released April 21, 1997.

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An engineering review of the DTV allotments and NTSC assignments in the region surrounding Longview showed that an alternate channel could be used for KFXK, should MSTV's proposal be adopted. Interference studies were performed using an application of the terrain-dependent Longley-Rice methodology, similar to that employed by the Commission in developing the DTV table of allotments.² The studies showed that channel 31 could be used as KFXK's DTV channel at 114 kW effective radiated power. The DTV channel 31 at Longview would provide coverage to over 100 percent of the area and population of the interference-limited KFXK NTSC channel 51.³

The interference study also examined the potential impact the use of DTV channel 31 at Longview would have on other DTV allotments and existing NTSC assignments. Pertinent co-channel and first adjacent channel NTSC and DTV assignments (and taboo channel NTSC assignments) were studied. The interference studies showed that only a negligible amount of additional interference is predicted to occur to other assignments. Specifically, additional interference to KMSS-TV (NTSC channel 33, Shreveport, LA), would affect 10 square kilometers and no population, when interference already predicted from other assignments is considered. Similarly, additional interference to KLAX-TV (NTSC channel 31, Alexandria, LA), and KOET's DTV channel 31 (Eufaula, OK) would affect only 6 square kilometers of each of these assignments, encompassing a population of 20 and 10 persons, respectively, when interference already predicted from other assignments is considered. Possible interference to KDTN's DTV channel 31 (Denton,

²The time-shared "HDTV" computer program offered by the National Telecommunications and Information Administration's *TA Services* in Boulder, Colorado was employed as the method for coverage and interference prediction. The HDTV computer program has been developed in close coordination with the Commission's OET staff, and utilizes similar methodology as the computer program used by the Commission to develop the DTV table of allotments. Predictions included "clipping" the extent of protected coverage as specified under §73.623(c)(2) at the Grade B contour distance for analog stations per §73.684 and at the DTV coverage contour distance for DTV assignments per §73.625(b). It is believed that the HDTV program offered by *TA Services* is compliant with the FCC's Office of Science and Technology Bulletin 69 *Longley-Rice Methodology for Evaluating TV Coverage and Interference* ("OET-69"), July 2, 1997.

³Under the FCC's plan, DTV channel 31 is used at Denton, Texas, at a distance of 193 km from KFXK, and would cause interference to a DTV channel 31 at KFXK. However, the MSTV plan specifies DTV channel 38 at Denton in lieu of 31, which would not affect the use of DTV channel 31 at KFXK.

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Texas, as assigned in the FCC's table) is not considered, as the MSTV proposal moves the KDTN assignment to DTV channel 38 (which would not be affected).

In each case above, the additional interference to other assignments would affect less than 0.1 percent of the interference-free total area and population. The staff of MSTV have stated, in informal discussions, that the proposed use of DTV channel 31 at Longview does comport with the MSTV plan and methodology for channel selection.

As a final alternative, the engineering study also showed that channel 47 could be used as KFXK's DTV channel at 155 kW effective radiated power. The DTV channel 47 at Longview would provide coverage to over 100 percent of the area and population of the interference-limited KFXK NTSC channel 51. Detailed interference studies (considering both the FCC and MSTV DTV tables) showed that no interference is predicted to be caused to any NTSC assignment or DTV allotment by the use of DTV channel 47 at Longview, TX. Channel 47 will be in the final "core" if the channel 7-51 selection is ultimately made.

Summary

Based on these studies, it appears that KFXK Longview, TX could use DTV channel 31 in lieu of the allotted DTV channel 52 and provide substantially the same area and population coverage as the existing KFXK NTSC channel 51. Only negligible interference is predicted to be caused to other DTV allotments or NTSC assignments. The use of DTV channel 31 for KFXK would not require *Warwick* to later change channels, as is the case with the 6th R&O's allotment of channel 52. Further, the use of DTV channel 31 at Longview would not conflict with MSTV's proposed DTV table changes. Alternately, DTV channel 47 could also be used at Longview.

Certification

The undersigned hereby certifies that the foregoing statement was prepared by him or under his direction, and that it is true and correct to the best of his knowledge and belief. Mr. Davis is a principal in the firm of *Cavell, Mertz & Perryman, Inc.*, is a Registered Professional Engineer in

ENGINEERING STATEMENT

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Virginia, holds a Bachelor of Science degree from Old Dominion University in Electrical Engineering Technology, and has submitted numerous engineering exhibits to various local governmental authorities and the Federal Communications Commission. His qualifications are a matter of record with that agency.



Joseph M. Davis, P.E.

December 17, 1997

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CERTIFICATE OF SERVICE

I, Lorretto J. Scott, a secretary in the law firm of Fletcher, Hildreth, P.L.C., hereby certify that true copies of the foregoing Comments on Association for Maximum Service Broadcasters, Inc.'s Ex Parte Submission was served this 17th day of December, 1997, via Hand Delivery and U.S. Mail:

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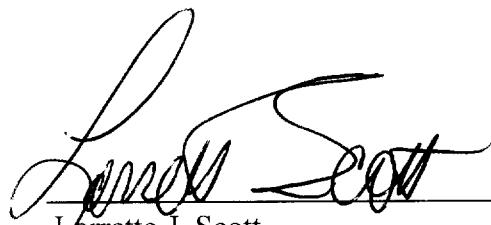
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